

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN GILES,

Plaintiff,

v.

MICHAEL J. BOUCHARD, ET AL.,

Defendants.

Case No. 17-cv-10153

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
ANTHONY P. PATTI

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#48], DISMISSING ACTION FOR A FAILURE TO
PROSECUTE, AND DENYING DEFENDANTS' MOTION TO DISMISS AS
MOOT [#44]**

This matter is before the Court on Defendants Aramark Correctional Services, Inc. and Anna Dolinski's Motion to Dismiss. Dkt. No. 44. The Court referred this matter to Magistrate Judge Anthony P. Patti, who issued a Report and Recommendation on March 13, 2019, dismissing the action under Federal Rule of Civil Procedure 41 for a failure to prosecute and denying Defendants' Motion to Dismiss as moot. Neither party has filed an objection to the Magistrate Judge's Report and Recommendation, and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court."). Upon review of the

Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate reached the correct conclusion.

Accordingly, the Court ACCEPTS and ADOPTS Magistrate Judge Patti's March 13, 2019 Report and Recommendation [#48] as this Court's findings of fact and conclusions of law. This action is hereby DISMISSED pursuant to Rule 41(b) for a failure to prosecute. Defendants' Motion to Dismiss [#48] will therefore be DENIED as MOOT.

IT IS SO ORDERED.

Dated: April 8, 2019

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 8, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager